


August 8, 2018

**VIA ECF****APPLICATION GRANTED. No further extensions absent extraordinary circumstances.****Dated: August 9, 2018  
New York, New York**

Honorable Lorna G. Schofield  
U.S. District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*,  
No. 1:13-cv-07789-LGS (S.D.N.Y.)

Dear Judge Schofield:

The remaining parties in the above-captioned litigation<sup>1</sup> respectfully request that the Court amend the Second Amended Civil Case Management Plan and Scheduling Order (ECF No. 1014) with respect to the schedule for class certification and related expert discovery. The parties are working diligently to complete expert discovery and briefing. Nevertheless, certain issues have arisen with regard to provision of transaction data and the scheduling of expert depositions that necessitate the requested extension.

On May 31, 2018, in accordance with the current schedule, Plaintiffs served their opening brief on class certification, along with four expert reports, some of which involved massive data sets derived from transaction data provided to Plaintiffs by Credit Suisse and Settling Defendants. As to certain components of these data sets, Plaintiffs have required additional time to provide transaction data used by their experts to Credit Suisse as a result of an objection by a Settling Defendant to the provision of this data due to the potential application of the European Union's General Data Protection Regulation, which took effect on May 25, 2018. In addition, the parties have encountered some difficulty scheduling expert depositions due to experts' travel schedules and upcoming religious holidays.

Subject to the Court's approval, the parties have agreed to the following modified schedule (existing dates are noted in parentheses):

**Class Certification and Related Expert Discovery**

- A. Absent agreement of the parties, depositions of Plaintiffs' experts or other affiants in support of the motion shall be completed by **October 11, 2018** (the existing August 3 deadline was modified by agreement of the parties as contemplated by the operative scheduling order).

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<sup>1</sup> Plaintiffs and Defendants Credit Suisse Group AG, Credit Suisse AG, and Credit Suisse Securities (USA) LLC

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- B. Defendants shall serve, but not file, any opposition to the motion for class certification, any expert reports in support thereof, and any challenges to Plaintiffs' experts by **October 25, 2018** (currently September 20, 2018) and shall file such opposition (and expert challenges) on the date Plaintiffs file their reply brief, **January 31, 2019** (currently December 6, 2018).
- C. Absent agreement of the parties, depositions of Defendants' experts or other affidavits shall be completed by **January 17, 2019** (currently October 26, 2018).
- D. Plaintiffs shall serve and file their reply brief in support of their class certification motion, any reply expert reports, any opposition to any challenge by Defendants to Plaintiffs' experts (Defendants' replies due three (3) weeks after oppositions), and any challenges to Defendants' experts by **January 31, 2019** (currently December 6, 2018) (Defendants' oppositions due three (3) weeks after opening brief and Plaintiffs' replies due three (3) weeks after oppositions). Plaintiffs shall provide a courtesy copy of the class certification papers as provided for in the Court's Individual Rules and Procedures for Civil Cases.

Accordingly, the parties respectfully request that the Court enter the above schedule.

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